

New Law Improves Prosecution Of Driving Under The Influence Cases

Misdemeanor DUI Defendants Now Entitled To Only One Trial

Delaware drivers charged with misdemeanor Driving Under the Influence (a first or second offense) will now receive only a single opportunity for a criminal trial. This is the result of the General Assembly's late June passage of legislation that addressed a provision in Delaware law allowing DUI defendants who were convicted in Justice of the Peace Court to have their case retried on the merits in the Court of Common Pleas. The legislation, House Bill 207, was signed by Governor Carney on June 30, and took effect immediately.

Under the new law, Justice of the Peace Court will be able to accept guilty pleas in DUI cases, but only the Court of Common Pleas will be able to hear trials for those defendants who choose to go to trial. This change, advocated by both the Department of Justice and the judiciary, streamlines the criminal justice system, provides consistency in the disposition of these serious offenses, and alleviates the impact of multiple trials on civilian witnesses, police, and prosecutors. These efficiencies will allow police and prosecutors to focus on preventing and prosecuting other crimes.

"The passage of this law was important for two reasons," said Delaware Attorney General Matt Denn. "The first was justice. Everyone is entitled to a trial, but there should not be a special group of defendants who are entitled to two trials. The second reason was effective use of the criminal justice system's resources. With the passage of this bill, DUI offenders will be treated consistently, and police officers,

prosecutors, and witnesses will be freed of the burden of multiple trials. Police, prosecutors, and DOJ staff will be able to dedicate their attention to other cases at a time when government services are short staffed, and police officers will be able to get back on the road and prevent other crimes.”

“When resources are tight, it is vital to use them well. By focusing all non-felony DUI trials in the Court of Common Pleas, H.B. 207 will maximize efficiency for prosecutors, defense counsel, police, and the judiciary itself. Precisely to cut down on the inconvenience and waste that sometimes resulted from splitting DUI jurisdiction between two different courts – and leaving room for procedural maneuvering between them – the Joint Study of the Delaware Courts Conducted by the Delaware State Bar Association and the American College of Trial Lawyers recommended this useful step,” said Chief Justice Leo E. Strine, Jr.

Attorney General Denn expressed his gratitude to the legislative sponsors of the bill, Representative Helene Keeley, Senator Margaret Rose Henry, and Senator Ernie Lopez, and to State Prosecutor Sean Lugg and Deputy Attorney General Danielle Brennan for their work in getting the bill passed.

“I am passionate about ensuring the safety of drivers on our roads and improving how driving under the influence offenses are addressed, so I am extremely pleased to see the Governor sign this bill into law,” said Rep. Helene Keeley, HB 207’s prime sponsor. “This legislation streamlines the justice system so that misdemeanor driving under the influence cases can be heard in the Court of Common Pleas for disposition. Going forward, the process will continue to be an efficient way to manage and tackle DUI dispositions, and provide an avenue for people to be considered for specialized treatment post-adjudication.”

“From the way we deploy police on the streets to the cases we

try in our court room, having a fair and efficient criminal justice system is critical to our state,” said Senate Majority Leader Margaret Rose Henry. “This legislation ensures that DUI offenders are getting fair trials, but aren’t afforded special access to the court system. This way we can more efficiently and expeditiously focus on bringing more serious cases to justice.”

“I was very pleased to see the passage of this bipartisan legislation,” said Senator Ernie Lopez. “As a member of the impaired driving task force, this bill was something many of us spent a great deal of time working on. Improving our DUI enforcement and adjudication process is something that I know our constituency feels is vital to Delaware’s public safety.”

“The Fraternal Order of Police was pleased to see that HB 207 passed and was signed by the Governor,” said Delaware FOP President Fred Calhoun. “We feel this is the first step in modifying current antiquated laws and procedures, providing member of the judicial system that ability to work in a more productive and efficient manner.”

“The Delaware Police Chiefs Council would like to thank everyone involved in drafting and enacting this legislation. We sincerely appreciate the work of State Prosecutor Sean Lugg and Deputy Attorney General Danielle Brennan on this bill,” Camden Police Chief William Bryson, head of the state police chiefs council, said. “We expect this new law will allow our officers to spend more time removing intoxicated drivers from our roads and less time in court.”